

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

RICKY A. KAUFFMAN
AND BARBARA J. KAUFFMAN

CHAPTER 7

DEBTORS

CASE NO. 11-15440 JDW

**MOTION TO ALLOW TRUSTEE TO
EXECUTE EMINENT DOMAIN DEED**

COME NOW, Chapter 7 Trustee, Attorney Alex Gates and Attorney William F. Schneller, on behalf of the Estate of Nettie Ruth Bobo, and files this motion to allow the Trustee to execute an Eminent Domain Deed on behalf of the Debtor, Barbara J. Kauffman, and would respectfully state unto the Court as follows, to-wit:

1. Barbara J. Kauffman filed for Chapter 13 Bankruptcy protection on November 22, 2011. Said case was converted to a Chapter 7 bankruptcy on or about December 18, 2012.
2. Nettie Ruth Bobo died on September 3, 2010 with Barbara J. Kauffman being entitled to an undivided 1/5 interest in certain lots in Magnolia Mobile Home Park, being lots 25, 26 and 27.
3. The State of Mississippi has made an offer to purchase the subject lots for \$91,230.00, less taxes and liens due at closing, with proceeds being held in Jones & Schneller Trust Account for part of Estate expenses prior to distribution .
4. Upon distribution, Trustee Alex Gates is to receive the 1/4 share of Barbara J. Kauffman for distribution as ordered by this Court.
5. Alex Gates, Trustee, be authorizes to execute a deed in substantially the same format as attached hereto conveying Barbara J. Kauffman's interest in the subject property.

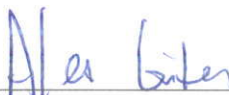

WHEREFORE, PREMISES CONSIDERED, Movants request the Court to allow Alex Gates, Trustee, to execute a deed to Mississippi Transportation Commission granting Barbara J. Kauffman's 1/4 share and for the proceeds to be held by Jones & Schneller for distribution from the Estate when authorized by the Chancery Court of Marshall County, Mississippi.

RESPECTFULLY SUBMITTED, this the 9th day of May, 2013.

JONES & SCHNELLER, PLLC
P.O. BOX 417
HOLLY SPRINGS, MISSISSIPPI 38635
(662) 252-3224

BY: 
WILLIAM F. SCHNELLER, MSB #6559

ATTORNEYS FOR NETTIE RUTH BOBO ESTATE

 by 
ALEX GATES, MSB # 4769
CHAPTER 7 TRUSTEE

ROW 005 A (Revised 3/2011)

Grantee, prepared by and return to:

Miss. Department of Transportation

Right of Way Division (Title Section)

P. O. Box 1850

Jackson, Mississippi 39215-1850

Phone: 601-359-7512

Account No.

Grantor Address:

Estate of Nettie Ruth Bobo

Bobby Bobo, Executor

7972 Highway 72

Byhalia, MS 38611

Phone: (901) 574-0815

Business No.

WARRANTY DEED

INDEXING INSTRUCTIONS:

Lots 25, 26 and 27 of Magnolia Mobile Home
Subdivision Phase II and the NE/4 of the NW/4
of Section 22, Township 1 South, Range 4
West, Marshall County, Mississippi.

Initial _____, _____, _____, _____, _____

APPROVED

By pgreene at 8:32 am, Mar 12, 2012

MAURICE H. AND NETTIE RUTH BOBO

100174/202000

049-0-00-W

CDP 2/27/12



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THE STATE OF MISSISSIPPI

County of Marshall

For and in consideration of Ninety Thousand Forty and NO/100 Dollars (\$90,040.00) the receipt and sufficiency of which is hereby acknowledged, we, the undersigned, hereby grant, bargain, sell, convey and warrant unto the Mississippi Transportation Commission the following described land:

The following description is based on the Mississippi State Plane Coordinate System, East Zone, NAD 83/93, grid values, meters, using a combined scale factor of 0.999991756 and a grid to geodetic azimuth angle of (-) 00 degrees 25 minutes 55 seconds developed at the approximate center of Project No. DPS-M002-00(003) [100174/202000]. It is the intent of this description to convey that portion of the grantors property that lies within the proposed right-of-way as defined by said project:

Being a portion of Lots 25, 26 and 27 of Magnolia Mobile Home Subdivision Phase II of Section 22, Township 1 South, Range 4 West Marshall County, Mississippi, according to the plat and survey recorded in Plat File 360A in the office of the Chancery Clerk of Marshall County, Mississippi, being more particularly described as follows:

Commencing at a found cotton picker spindle located at the northwest corner of Section 22, Township 1 South, Range 4 West, Marshall County, Mississippi, said point identified as N 609241.389, E 228384.877, on the above referenced coordinate system, run thence South 73 degrees 27 minutes 19 seconds East for a distance of 824.166 meters (2703.96 feet) to a point located at the intersection of the proposed North right-of-way line of U.S. Highway No. 72 and the East line of said Lot 27, as shown on the acquisition maps of Project No. DPS-M002-00(003) [100174/202000], and being 89.157 meters (292.51 feet) left of the proposed U.S. Highway No. 72 realignment at project centerline station 2+017.220, and having a coordinate value of N 609006.695, E 229174.921, on the above referenced coordinate system and being hereinafter referred to as the Point of Beginning;

From the Point of Beginning run thence along said East line of Lot 27, South 00 degrees 07

Initial _____, _____, _____, _____, _____

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minutes 04 seconds West for a distance of 92.312 meters (302.86 feet) to a point located at the intersection of the West line of said Lot 27 and the existing North right-of-way line of U.S. Highway No. 72;

thence along said existing North right-of-way line of U.S. Highway No. 72 the following 3 courses and distances:

thence along a curve to the right having an arc length of 23.210 meters (76.15 feet), with a radius of 1330.476 meters (4365.08 feet), a chord bearing of North 59 degrees 35 minutes 33 seconds West, and a chord length of 23.210 meters (76.15 feet) to a point;

thence North 29 degrees 16 minutes 11 seconds East for a distance of 3.048 meters (10.00 feet) to a point;

thence along a curve to the right having an arc length of 51.172 meters (167.89 feet), with a radius of 1314.468 meters (4312.56 feet), a chord bearing of North 59 degrees 55 minutes 17 seconds West, and a chord length of 51.169 meters (167.88 feet) to a point located at the intersection of said existing North right-of-way line and the West line of said Lot 25;

thence along said West line of Lot 25, North 00 degrees 58 minutes 23 seconds East for a distance of 61.598 meters (202.09 feet) to a point located at the Northwest corner of the Grantors property;

thence along the North line of the Grantors property, South 84 degrees 01 minutes 49 seconds East for a distance of 20.789 meters (68.21 feet) to a point located at the intersection of said North line of the Grantors property and the said proposed North right-of-way line of U.S. Highway No. 72, and being referred to as "POINT J" for future reference;

thence along said proposed North right-of-way line of U.S. Highway No. 72, South 60 degrees 12 minutes 06 seconds East for a distance of 24.460 meters (80.25 feet) to a point being 76.000 meters (249.34 feet) left of the proposed U.S. Highway No. 72 realignment at project centerline station 2+000.000, and being referred to as "POINT K" for future reference;

thence continuing along said proposed North right-of-way line of U.S. Highway No. 72, North 76 degrees 01 minutes 40 seconds East for a distance of 20.658 meters (67.78 feet) back to the Point of Beginning, containing 0.463 hectares (49871 square feet, 1.14 acres), more or less, situated in Lots 25, 26, and 27 of Magnolia Mobile Home Subdivision Phase II and the Northeast quarter of the Northwest quarter of Section 22, Township 1 South, Range

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4 West, Marshall County, Mississippi.

Together with any and all abutters rights of access, if any, in, to, over, on and across the above described parcel of land, except that such remaining lands shall have access between "Point J" and "Point K" as described in the above described parcel of land.

The grantor herein further warrants that the above described property is part of thier homestead.

This conveyance includes all improvements located on the above described land and partially on Grantor's remaining land, if any. The Grantee herein, it Agents, and/or Assigns are hereby granted the right of Ingress and Egress on Grantor's remaining land for removing or demolishing said improvements. The consideration herein named is in full payment of all said improvements.

It is further understood and agreed that the consideration herein named is in full, complete and final payment and settlement of any claims or demands for damage accrued, accruing, or to accrue to the grantors herein, their heirs, assigns, or legal representatives, for or on account of the construction of the proposed highway, change of grade, water damage, and/or any other damage, right or claim whatsoever.

It is further understood and agreed that this instrument constitutes the entire agreement between the grantor and the grantee, there being no oral agreements or representations of any kind.

Initial _____, _____, _____, _____, _____

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Witness our signatures this the _____ day of _____, A.D. 2013.

Signature/Date: _____
Bobby Bobo, Executor of the Estate of Nettie Ruth Bobo

Signature/Date: _____
Bobby Bobo

Signature/Date: _____
Cynthia Diane Bobo

Signature/Date: _____
Sandra Buckles

Signature/Date: _____
Barbara Joann Kauffman

Signature/Date: _____
Judy Bruner

Initial _____, _____, _____, _____, _____

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STATE OF MISSISSIPPI

COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this _____ day of _____, 2013, within my jurisdiction, the within named Bobby Allen Bobo, who acknowledged that he is Executor for the Estate of Nettie Ruth Bobo, and that in said representative capacity he executed the above and foregoing instrument, after first having been duly authorized so to do.

(NOTARY PUBLIC)

(SEAL)

My commission expires: _____

Initial _____, _____, _____, _____, _____

Maurice H. and Nettie Ruth Bobo
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STATE OF MISSISSIPPI

COUNTY OF MARSHALL

Personally appeared before me, the undersigned authority in and for the said county and state, on this _____ day of _____, 2013, within my jurisdiction, the within named Bobby Allen Bobo and wife, Cynthia Diane Bobo, who acknowledged that they executed the above and foregoing instrument.

(NOTARY PUBLIC)

(SEAL)

My commission expires: _____

Initial _____, _____, _____, _____, _____

Maurice H. and Nettie Ruth Bobo
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STATE OF MISSISSIPPI

COUNTY OF MARSHALL

Personally appeared before me, the undersigned authority in and for the said county and state, on this _____ day of _____, 2013, within my jurisdiction, the within named Sandra Buckles, who acknowledged that she executed the above and foregoing instrument.

(NOTARY PUBLIC)

(SEAL)

My commission expires: _____

Initial _____, _____, _____, _____, _____

Maurice H. and Nettie Ruth Bobo
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STATE OF MISSISSIPPI

COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this _____ day of _____, 2013, within my jurisdiction, the within named Barbara Joann Kauffman, who acknowledged that she executed the above and foregoing instrument.

(NOTARY PUBLIC)

(SEAL)

My commission expires: _____

Initial _____, _____, _____, _____, _____

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STATE OF MISSISSIPPI

COUNTY OF MARSHALL

Personally appeared before me, the undersigned authority in and for the said county and state, on this _____ day of _____, 2013, within my jurisdiction, the within named Judy Bruner, who acknowledged that she executed the above and foregoing instrument.

_____(NOTARY PUBLIC)

(SEAL)

My commission expires: _____

Initial _____, _____, _____, _____, _____

Maurice H. and Nettie Ruth Bobo
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